

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UPS SUPPLY CHAIN SOLUTIONS, INC.,

and

Case 12-CA-144578

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL UNION NO. 769

**COUNSEL FOR THE GENERAL COUNSEL'S OPPOSITION
TO RESPONDENT'S MOTION TO STRIKE
GENERAL COUNSEL'S EXCEPTIONS TO
THE ADMINISTRATIVE LAW JUDGE'S DECISION**

On February 18, 2016, Respondent filed a motion to strike General Counsel's Exceptions to the decision of Administrative Law Judge Donna N. Dawson in the above-captioned case.

General Counsel respectfully submits that the motion is without merit.

General Counsel's 12 exceptions are specific, cite the applicable pages and lines of the ALJ's legal analysis, and pointedly dispute that analysis. Although the exceptions do not contain citations to transcript pages or exhibits, General Counsel's accompanying brief contains citations to the transcript and exhibits supporting the factual findings of the ALJ upon which General Counsel relies. In addition, General Counsel's four page exceptions and 25 page supporting brief were sufficiently specific for Respondent to file a 43-page answering brief. In its motion, Respondent cites no particular exception that is deficient or vague in any respect. Respondent was in no way prejudiced by General Counsel's failure to cite to transcript and exhibit pages in the exceptions document. *U.S. Postal Service*, 339 NLRB 400, fn. 1 (2003).

The cases cited by Respondent in its motion are inapposite. Board law establishes that General Counsel's exceptions and brief in support are in substantial compliance with the Board's Rules and Regulations, notwithstanding that the exceptions do not designate precise citations to

the portions of the record relied upon. *Niblock Excavating, Inc.*, 337 NLRB 53, fn. 1 (2001); *Embassy Suites Resort*, 309 NLRB 1313, fn. 1 (1992); see also *Easter Seals Connecticut, Inc.*, 345 NLRB 836, fn. 2 (2005); *William Services, Inc.*, 302 NLRB 492, fn. 1 (1991). Therefore, Respondent's motion should be denied.

Dated at Miami, Florida this 3rd day of March, 2016.

Respectfully submitted,

/s/ Marinelly Maldonado

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CERTIFICATE OF SERVICE

I hereby certify that Counsel for the General Counsel's Opposition to Respondent's Motion to Strike General Counsel's Exceptions to the Administrative Law Judge's Decision in the matter of UPS Supply Chain Solutions, Inc., Case 12-CA-144578, was electronically filed with the Executive Secretary of the National Labor Relations Board and served by electronic mail upon the below-listed parties on this 3rd day of March 2016, as follows:

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